



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Updates in Federal Agency Adjudication

April 2022

ACUS is an independent federal agency within the executive branch that develops recommendations to improve administrative processes, including adjudication, and arranges for the interchange of information to carry out its mission. The ACUS Office of the Chairman issues monthly *Updates* to share adjudication-related developments with agencies, Congress, and the public. For additional resources, visit www.acus.gov/adjudication.

This resource is for informational purposes only. Except as noted, these updates do not represent the position of ACUS or the federal government. New developments, feedback, and corrections are welcome at info@acus.gov.

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ADJUDICATORS

[Administrative Law Judge Hiring \(SSA\)](#). The Social Security Administration announced it was hiring ALJs for hearing offices nationwide. The announcement, posted on USAJOBS, closed within 24 hours after 1,000 applications were received.

CUSTOMER EXPERIENCE

[White House Customer Experience Guidance \(Apr. 13\)](#). The Office of Management and Budget issued guidance to help federal agencies solicit public input to identify and reduce burdens that people face when accessing public benefits programs. The guidance implements several recent executive orders, including [EO 14058](#), *Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government*, and [EO 13985](#), *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.



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Agency Equity Action Plans. More than 90 agencies released equity action plans on April 14. The plans were prepared pursuant to [EO 13985](#), which directed agencies to assess systemic barriers that members of underserved communities face when accessing benefits and opportunities. The plans describe, among other things, how agencies intend to address barriers in their adjudicative processes.

PROCEDURAL RULES

Financial Regulatory Agency Rules of Practice and Procedure (Apr. 13). Four financial regulatory agencies (OCC, FRB, FDIC, NCUA) proposed changes to their Uniform Rules that would, among other things, recognize the use of electronic pleadings and other communications in administrative hearings. The Office of the Comptroller of the Currency also proposed amending its Equal Access to Justice Act rules to reflect ACUS's [model EAJA rules](#).

Small Claims Patent Court Study (ACUS). ACUS is requesting information on issues associated with and options for designing a small claims patent court. The request is part of an [ongoing study](#) for the U.S. Patent and Trademark Office.

Veterans Benefits Improvement Act of 2022 (H.R. 7556). Rep. David McKinley (R-WV) introduced the Veterans Benefits Improvements Act of 2022 on April 21. If enacted, the bill would, among other things, establish a Board of Veterans' Appeals honors program, require the Secretary of Veterans Affairs to submit a report on improving access to Board video hearings, amend disability examination practices, and permit electronic notification of claims decisions. Sen. John Tester (D-MN) introduced a [companion bill](#) in the Senate in December.

REPRESENTATION

Copyright Claims Board Representation (Apr. 8). The U.S. Copyright Office published procedures governing the appearance of law student representatives and representatives of business entities in Copyright Claims Board proceedings.

SEPARATION OF POWERS

Kaufmann v. Kijakazi (9th Cir., Apr. 27). The Ninth Circuit held that a statutory provision limiting the President's authority to remove the Commissioner of Social Security was unconstitutional. The court held, however, that it would not set aside an agency decision rendered while the Commissioner served under the



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unconstitutional removal provision unless the claimant demonstrated some actual harm that resulted from the constitutional violation.

TECHNOLOGY

Social Security Administration Technology Developments. SSA recently launched a preview of its [new website](#), which is meant to improve how members of the public access benefits-related services and information. SSA’s chief information officer recently [stated](#) that the “[t]he first 10 months of the pandemic brought on about 10 years’ worth of acceleration of business modernization.” In addition to expanded online services, developments include centralized electronic case management and expanded use of artificial intelligence to review evidence and flag important information for adjudicators.

[Automated Legal Guidance \(ACUS\)](#). An ACUS committee developed a proposed recommendation identifying best practices for agencies to use when implementing automated tools—like interactive chatbots and virtual assistants—to provide legal guidance to members of the public. The ACUS Assembly is expected to consider the recommendation at its biannual plenary session in June.

TRANSPARENCY

[Improving Notice of Regulatory Changes \(ACUS\)](#). An ACUS committee developed a proposed recommendation identifying best practices for agencies to publicize significant regulatory developments, including those announced in adjudicative decisions. The ACUS Assembly is expected to consider the recommendation at its biannual plenary session in June.